

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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DIVISION

Appl. No. : 10/682,101 Confirmation No. 9213  
Filed : October 9, 2003  
Title : MODULAR BONE IMPLANT, TOOLS, AND METHOD  
Applicant : Daniel F. Justin et al  
TC/A.U. : 3733  
Examiner : Michael B. Priddy  
Atty. Docket No. : ZIM0403  
Customer No. : 43963

2007 AUG 28 PM 3:41

REFUND REQUEST UNDER 37 CFR § 1.26

Mail Stop 16  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

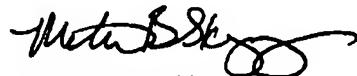
On June 18, 2007, Baker & Daniels' Deposit Account No. 02-0385 was charged \$120.00 for a one month Extension Fee in connection with the above-identified application.

On June 1, 2007, an Election was filed in response to the Office communication mailed May 1, 2007. Since applicant was given one (1) month from the mailing date of the Office communication to file a response, it is submitted that the Election was timely filed and that no extension fee was required.

Copies of the Office communication, Election and dated stamped returned postcard are enclosed.

It is requested that Deposit Account No. 02-0385 be reimbursed \$120.00 for the extension fee.

Respectfully submitted,



Matthew B. Skaggs  
Registration No. 55,814  
Attorney for Applicants

MBS/nw

BAKER & DANIELS LLP  
111 East Wayne Street, Suite 800  
Fort Wayne, IN 46802  
Telephone: 260-424-8000  
Facsimile: 260-460-1700

Enc. As noted above  
Return Postcard

CERTIFICATION OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on: August 24, 2007

Matthew B. Skaggs, Regis. No. Regis. 55,814  
Name of Registered Representative

  
Signature

August 24, 2007  
Date

RECEIPT IS ACKNOWLEDGED OF:

TYPE OF PAPER: ELECTION

APPLICANT: DANIEL F. JUSTIN ET AL

SERIAL NO. 10/682,101

FILED: OCTOBER 9, 2003

TITLE: MODULAR BONE IMPLANT, TOOLS, AND METHOD

DATE MAILED: JUNE 1, 2007

MDS/NW  
ZIM0403





UNITED STATES DEPARTMENT OF COMMERCE  
U.S. Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10682101	10/9/2003	JUSTIN ET AL.	ZIM0403

John F. Hoffman, Esq.  
BAKER & DANIELS LLP  
Suite 800  
111 East Wayne Street  
Fort Wayne, IN 46802

EXAMINER

Michael B. Priddy

ART UNIT	PAPER
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3733 20070424

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The reply filed on 05/19/2006 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): the Requirement for Restriction/Election mailed 04/19/2006 indicated the application contains claims directed to the following patentably distinct species:

Tray/Keel assembly

Species A: Fig. 4

Species B: Fig. 5

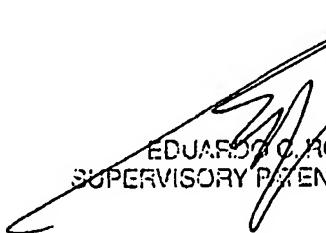
Cross sectional shape of male/female junction

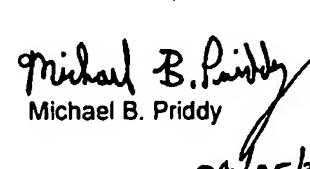
Species A: Fig. 1-4

Species B: Fig. 6

From which Applicant was required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. See 37 CFR 1.111. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

  
EDUARDO O. ROBERT  
SUPERVISORY PATENT EXAMINER

  
Michael B. Priddy

04/25/2007



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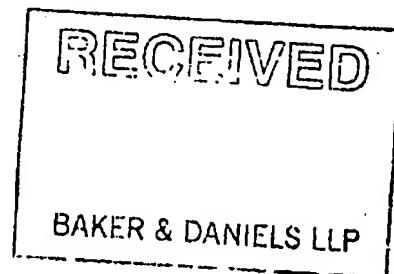
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/682,101	10/09/2003	Daniel F. Justin	ZIM0403	9213
7590	05/01/2007			
John F. Hoffman, Esq. BAKER & DANIELS LLP Suite 800 111 East Wayne Street Fort Wayne, IN 46802			EXAMINER PRIDDY, MICHAEL B	
			ART UNIT 3733	PAPER NUMBER
			MAIL DATE 05/01/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

REPLY DUE:

6-1-07  
DOCKET 1 ✓ DOCKET 2 ✓



Application Serial No. 10/682,101

Election dated June 1, 2007

Reply to Office Action April 19, 2006 and Office Communication of May 1, 2007

THE UNITED STATES PATENT AND TRADEMARK OFFICE

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ELECTION

MAIL STOP AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Applicants respectfully submit that the previous response to the election requirement set forth by the Examiner in the Office Action dated April 19, 2006, was fully responsive and Applicants hereby reelect, without prejudice, Invention II: Claim 11-33. Claims 11-33 are directed to tools for holding, assembling, and disassembling tibial implants and the species of tray/keel assemblies and/or cross sectional shape of male/female junctions identified by the Examiner are not relevant to these claims.

Applicants hereby respectfully reserve the right to file one or more divisional applications directed to non-elected species.

It is believed that the above represents a complete response to the Office Action and Communication.

In the event Applicants have overlooked the need for an additional extension of time, payment of fee, or additional payment of fee, Applicants hereby petition therefor and authorize that any charges be made to Deposit Account No. 02-0385, Baker & Daniels.

Application Serial No. 10/682,101

Election dated June 1, 2007

Reply to Office Action April 19, 2006 and Office Communication of May 1, 2007

Should the Examiner have any further questions regarding any of the foregoing, he is respectfully invited to telephone the undersigned at 260-424-8000.

Respectfully submitted,



Matthew B. Skaggs  
Registration No. 55,814

Attorney for Applicants

MBS/nw

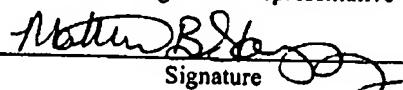
BAKER & DANIELS LLP  
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Fort Wayne, IN 46802  
Telephone: 260-424-8000  
Facsimile: 260-460-1700

Enc. Return Postcard

CERTIFICATION OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on: June 1, 2007

MATTHEW B. SKAGGS, REG. NO. 55,814  
Name of Registered Representative



June 1, 2007

Date

Document code: WFEE

United States Patent and Trademark Office  
Sales Receipt for Accounting Date: 06/18/2007

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Adjustment Date: 09/12/2007 10682101  
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